

EXHIBIT 2

John A. Morris

From: John A. Morris
Sent: Wednesday, August 10, 2022 10:28 AM
To: 'Bill Gameros'; Hayley R. Winograd
Cc: Wade Carvell; LuCretia Milam
Subject: RE: HCMLP?NREP Documents

Thanks, Bill.

I am going to dial in shortly and we can deal with this after.

OK?

From: Bill Gameros [mailto:bgameros@legaltexas.com]
Sent: Wednesday, August 10, 2022 10:27 AM
To: John A. Morris <jmorris@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>
Cc: Wade Carvell <wcarvell@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>; Bill Gameros <bgameros@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

We can agree as follows:

1. Except for NREP 005905-006148, HCRE agrees that it shall not use any of the Documents to examine any of the Witnesses if any of them testify at any hearing or trial in this matter.
2. Highland, on the other hand, can use any of the Documents to examine any of the Witnesses if any of them testify at any hearing or trial in this matter *provided*, however, that if Highland does so and "opens the door," HCRE can then use any Documents related to the same subject matter on re-cross or re-direct (notwithstanding paragraph 1).
3. In exchange for the foregoing, Highland will waive all objections to the late production of Documents.

Please advise.

Thank you,

Bill

Charles W. Gameros, Jr., P.C.
Hoge & Gameros, L.L.P.
6116 North Central Expressway, Suite 1400
Dallas, Texas 75206
Telephone: (214) 765-6002
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From: John A. Morris <jmorris@pszilaw.com>
Sent: Wednesday, August 10, 2022 9:18 AM
To: Bill Gameros <bgameros@legaltexas.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Wade Carvell <wcarvell@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

No, Bill.

We did our searches and produced our documents. We're not going to trial with any documents other than those that have been produced and we're not conducting new searches.

If one of these documents happens to be on our server but wasn't captured in prior searches, it doesn't become fair game now.

And I don't know how anyone would ever know anyway. What I am supposed to do, cross-check everything on our system to see if we "have it"?

Sorry.

John

From: Bill Gameros [<mailto:bgameros@legaltexas.com>]
Sent: Wednesday, August 10, 2022 10:10 AM
To: John A. Morris <jmorris@pszilaw.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Wade Carvell <wcarvell@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>; Bill Gameros <bgameros@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

We can agree as follows:

1. To the extent that Highland does not otherwise already have the documents at issue, HCRE agrees that it shall not use any of the Documents to examine any of the Witnesses if any of them testify at any hearing or trial in this matter.
2. Highland, on the other hand, can use any of the Documents to examine any of the Witnesses if any of them testify at any hearing or trial in this matter *provided*, however, that if Highland does so and "opens the door," HCRE can then use any Documents related to the same subject matter on re-cross or re-direct (notwithstanding paragraph 1).
3. In exchange for the foregoing, Highland will waive all objections to the late production of Documents.

Please advise.

Thank you,

Bill

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From: John A. Morris <jmorris@pszilaw.com>
Sent: Wednesday, August 10, 2022 9:00 AM
To: Bill Gameros <bgameros@legaltexas.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Wade Carvell <wcarvell@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

Thanks, Bill.

John

From: Bill Gameros [<mailto:bgameros@legaltexas.com>]
Sent: Wednesday, August 10, 2022 9:58 AM
To: John A. Morris <jmorris@pszilaw.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Wade Carvell <wcarvell@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>; Bill Gameros <bgameros@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

I have forward this proposal to my client.

Thank you,

Bill

Charles W. Gameros, Jr., P.C.
Hoge & Gameros, L.L.P.
6116 North Central Expressway, Suite 1400
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Telephone: (214) 765-6002
Facsimile: (214) 559-4905

From: John A. Morris <jmorris@pszilaw.com>
Sent: Wednesday, August 10, 2022 8:37 AM
To: Bill Gameros <bgameros@legaltexas.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Wade Carvell <wcarvell@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

Bill,

If time permits, please call me to discuss this issue before today's deposition and after considering the following proposal.

Background

As you know, HCRE produced over 4,000 documents (the "Documents") late yesterday afternoon, with no prior notice (other than that HCRE might have a "supplemental" production), about six weeks after the deadline.

Prejudice

HCMLP has been prejudiced by the late production of Documents because we have already taken the depositions of three third-party witnesses (Mark Patrick, BH Equities, and Barker Viggato, together, the "Third Parties"), and had prepared Mr. Seery (together with the Third Parties, the "Witnesses") for his deposition today.

It be unfair to expect Highland to serve new subpoenas and re-question the Third Parties, or delay Mr. Seery's deposition at the last moment or call him back for further questioning due to HCRE's late production of the Documents, and we doubt very much a Court would order Highland to do any of those things.

Proposal

In order to address the prejudice, and avoid motion practice, Highland proposes the following:

1. HCRE agrees that it shall not use any of the Documents to examine any of the Witnesses if any of them testify at any hearing or trial in this matter.
2. Highland, on the other hand, can use any of the Documents to examine any of the Witnesses if any of them testify at any hearing or trial in this matter *provided*, however, that if Highland does so and "opens the door," HCRE can then use any Documents related to the same subject matter on re-cross or re-direct (notwithstanding paragraph 1).
3. In exchange for the foregoing, Highland will waive all objections to the late production of Documents.

If I don't hear from you, I will make this offer as part of a "meet and confer" at the beginning of this morning's deposition.

I can be reached at 1.646.341.3686.

Regards,

John

From: Bill Gameros [<mailto:bgameros@legaltexas.com>]

Sent: Tuesday, August 9, 2022 4:25 PM

To: John A. Morris <jmorris@pszilaw.com>; Hayley R. Winograd <hwinograd@pszilaw.com>

Cc: Wade Carvell <wcarvell@legaltexas.com>; Bill Gameros <bgameros@legaltexas.com>; LuCretia Milam <lmilam@legaltexas.com>

Subject: RE: HCMLP?NREP Documents

John,

Our IT person was out with COVID after I was.

It's about 700 emails. NREP 005905-006148 were available this week. The rest were not and have not been provided to Mr. Pully.

Thank you,

Bill

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From: John A. Morris <jmorris@pszilaw.com>
Sent: Tuesday, August 9, 2022 3:21 PM
To: Wade Carvell <wcarvell@legaltexas.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Bill Gameros <bgameros@legaltexas.com>
Subject: RE: HCMLP?NREP Documents

I am stunned.

Almost six weeks after the deadline, after two third-party depositions, and hours before my client is scheduled to testify, you produce over 4,000 pages of information without notice of any kind in an action that has been pending for a year?

What do you expect us to do with this? How are we not substantially prejudiced?

Have you given any of these materials to Mr. Pully?

If so, when did you deliver them to him?

You can respond now, or we can do this on the record tomorrow at the beginning of the deposition.

HCMLP reserves all rights.

Regards,

John

From: Wade Carvell [<mailto:wcarvell@legaltexas.com>]
Sent: Tuesday, August 9, 2022 4:09 PM
To: John A. Morris <jmorris@pszilaw.com>; Hayley R. Winograd <hwinograd@pszilaw.com>
Cc: Bill Gameros <bgameros@legaltexas.com>
Subject: HCMLP?NREP Documents

Greetings.

Below is the link to the following the following files: NREP_001184-5904.zip, and NREP_005905-006148.pdf

Link: <https://spaces.hightail.com/space/Spo8ZLrwG1>
Password: HCMLP-NREP82022
Link Expires: December 31, 2022

DWC

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